

weeks immediately preceding the injury. If the employee was absent from employment for reasons personal to the employee during part of the thirteen calendar weeks preceding the injury, the employee's weekly earnings shall be the amount the employee would have earned had the employee worked when work was available to other employees of the employer in a similar occupation. A week which does not fairly reflect the employee's customary earnings shall be replaced by the closest previous week with earnings that fairly represent the employee's customary earnings.

7. In the case of an employee who has been in the employ of the employer less than thirteen calendar weeks immediately preceding the injury, the employee's weekly earnings shall be computed under subsection 6, taking the earnings, including shift differential pay but not including overtime or premium pay, for such purpose to be the amount the employee would have earned had the employee been so employed by the employer the full thirteen calendar weeks immediately preceding the injury and had worked, when work was available to other employees in a similar occupation. If the earnings of other employees cannot be determined, the employee's weekly earnings shall be the average computed for the number of weeks the employee has been in the employ of the employer.

Sec. 2. Section 85.59, unnumbered paragraph 4, Code 2007, is amended to read as follows:

If an inmate is permanently incapacitated by injury in the performance of the inmate's work in connection with the maintenance of the institution, in an industry maintained in the institution, or in an industry referred to in section 904.809, while on detail to perform services on a public works project, or while performing services authorized pursuant to section 904.809, or is permanently or temporarily incapacitated in connection with the performance of unpaid community service under the direction of the district court, board of parole, or judicial district department of correctional services, or in connection with the provision of services pursuant to a chapter 28E agreement entered into pursuant to section 904.703, or who is performing a work assignment of value to the state or to the public under chapter 232, that inmate shall be awarded only the benefits provided in section 85.27 and section 85.34, subsections 2 and 3. The weekly rate for such permanent disability is equal to ~~sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of workforce development under section 96.19, subsection 36, and in effect at the time of the injury~~ the minimum rate as provided in this chapter.

Approved April 11, 2008

CHAPTER 1080

SUSTAINABLE NATURAL RESOURCE FUNDING ADVISORY COMMITTEE

H.F. 2580

AN ACT providing for a sustainable natural resource funding advisory committee.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. SUSTAINABLE NATURAL RESOURCE FUNDING ADVISORY COMMITTEE. There is established a sustainable natural resource funding advisory committee.

1. The advisory committee shall include all of the following members:

a. (1) The director of the department of natural resources who shall be the chairperson of the advisory committee.

- (2) The secretary of agriculture or the secretary's designee.
- b. A commissioner of a soil and water conservation district appointed by the governor.
- c. (1) A representative from each of the following interest organizations appointed by the governor:
 - (a) Ducks unlimited.
 - (b) The Iowa chapter of the sierra club.
 - (c) The nature conservancy.
 - (d) Iowa association of county conservation boards.
 - (e) Iowa environmental council.
 - (f) Iowa farm bureau federation.
 - (g) Iowa farmers union.
 - (h) Iowa land improvement contractors association.
 - (i) Iowa natural heritage foundation.
 - (j) Iowa renewable fuels association.
 - (k) Iowa rivers revival.
 - (l) Izaak Walton league of America.
 - (m) Pheasants forever.
- (2) In making appointments, the governor may accept nominations from the interested organizations and may reappoint persons who served on the advisory committee pursuant to 2006 Iowa Acts, chapter 1185, section 43.
- d. Four members of the general assembly who serve as ex officio, nonvoting members. The members shall be appointed as follows:
 - (1) Two members of the senate, one of whom is appointed by the majority leader of the senate after consultation with the president of the senate and one of whom is appointed by the minority leader of the senate after consultation with the president of the senate.
 - (2) Two members of the house of representatives appointed by the speaker of the house after consultation with the minority leader.
- 2. A vacancy shall be filled by the original appointing authority in the manner of the original appointment.
- 3. The purpose of the advisory committee is to continue the efforts of the sustainable natural resource funding advisory committee established pursuant to 2006 Iowa Acts, chapter 1185, section 43. The committee shall study how to provide one or more sustainable sources of funding for natural resources and outdoor recreation needs in Iowa. The advisory committee shall advise members of the general assembly in efforts to establish or administer sustainable funding sources.
- 4. The department of natural resources shall provide staffing for the advisory committee.
- 5. The advisory committee shall submit a report to the general assembly on or before January 9, 2009, and on January 8, 2010, which summarizes its activities, and any findings or recommendations approved by the advisory committee.
- 6. This section is repealed on July 1, 2010.

Approved April 11, 2008

CHAPTER 1081**DONATION OF FOOD
TO DEPARTMENT OF NATURAL RESOURCES
OR COUNTY CONSERVATION BOARDS — LIABILITY***H.F. 2581*

AN ACT relating to the donation of food to the department of natural resources or county conservation boards.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 672.1, subsection 2, Code 2007, is amended to read as follows:

2. A gleaner, or a restaurant, food establishment, food service establishment, school, manufacturer of foodstuffs, meat or poultry establishment licensed pursuant to chapter 189A, or other person who, in good faith, donates food to a charitable or nonprofit organization for ultimate free distribution to needy individuals, or to the department of natural resources or a county conservation board for use in a free interpretive educational program, is not subject to criminal or civil liability arising from the condition of the food if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a donor or gleaner if damages result from the negligence, recklessness, or intentional misconduct of the donor, or if the donor or gleaner has, or should have had, actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

Approved April 11, 2008

CHAPTER 1082**CIVIL COMMITMENT — PERIODIC REPORTING —
AUTHORIZED HEALTH CARE PRACTITIONERS***H.F. 2603*

AN ACT authorizing certain advanced registered nurse practitioners and psychiatrists to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 125.2, Code 2007, is amended by adding the following new subsection: **NEW SUBSECTION.** 13C. “Psychiatric advanced registered nurse practitioner” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric health care and who is registered with the board of nursing as an advanced registered nurse practitioner.

Sec. 2. Section 125.86, subsection 2, Code 2007, is amended to read as follows:

2. No more than sixty days after entry of a court order for treatment of a respondent under section 125.84, subsection 3, and thereafter at successive intervals not to exceed ninety days for as long as involuntary treatment continues, the administrator of the facility or the psychiatrist or psychiatric advanced registered nurse practitioner treating the patient shall report to